IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

RP.No. 769 of 2004(T)
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AGAINST THE JUDGEMENT IN OP.18649/2001 DT.27.5.03
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REVIEW PETITIONERS/RESPONDENTS IN OP
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1. STATE OF KERALA, REP.BY COMMISSIONER
AND SECRETARY TO GOVERNMENT, PWD, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A&E), KERALA
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.R.LAKSHMI NARAYAN

RESPONDENT: PETITIONER IN OP
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T.M.SHAHUL HAMEED, RETIRED SPL.GRADE
EX.ENGINEER, SAKAN, TALANGARA P.O., KASARAGOD.

BY ADV. SRI.C.CHANDRASENAN
SRI.P.K.SOMARAJAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

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R.P. NO.769/2004 IN

O.P. NO. 18649 OF 2001-T

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ORDER

The respondents in the Original Petition are the review petitioners. The respondent herein was the petitioner.

2. The writ petitioner was promoted as Special Grade Executive Engineer by Ext.P2 order dated 20.6.1998. But, he was not paid any monetary benefits. So, the O.P was filed on 22.6.2001, claiming the benefits flowing from the said promotion. Finally, the O.P was allowed as per the judgment under review dated 27.5.2003. In the meantime there was interim stay of implementation of the 7 tier system, under which the petitioner was promoted, from this Court in a public interest litigation. Subsequently, the Government on 25.1.2003, decided to revert back to the 5 tier system. But, the petitioner retired from service on 30.6.1999, long before the said decision. The Government also decided that the promotions already granted before 25.1.2003 need not be disturbed. Later, the said decision was also reviewed and it was ordered that only those persons 13 in number, who got favourable orders from the court before 25.1.2003 alone

need be granted the benefit of the promotion under the 7 tier system. Therefore, the petitioner was not granted the benefit. Since the judgment in favour of the petitioner is dated 27.5.2003, that is, after 25.1.2003, the review petitioners pray for recalling the judgment and dismissal of the Original Petition.

3. Heard the learned counsel for the writ petitioner also. The petitioner approached this Court on 22.6.2001. Only because of the delay from the part of this Court, the O.P was not disposed of in time. The said delay cannot prejudice the petitioner. Since he was promoted on 20.6.1998 and he retired from service on 30.6.1999, the decision on 25.1.2003 cannot affect his promotion.

In the result, the Review Petition fails and it is dismissed.

14th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/